IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 5TH SEPTEMBER 2007 / 14TH BHADRA 1929

RPFC.No. 355 of 2007()

MC.104/2005 of FAMILY COURT, KOTTAYAM AT ETTUMANOOR

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REV.PETITIONER/ RESPONDENT:

FRANCIS @ BABU, S/O.CHACKO, AGED 34
YEARS, PULICKAKUNNEL HOUSE, KAIPPALLY KARA,
POONJAR THEKKEKARA VILLAGE, MEENACHIL TALUK.

BY ADV. SRI.R.DIVAKARAN

RESPONDENTS: PETITIONERS/STATE:

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1. RINCY @ THRESIA, D/O.JOSEPH, AGED 33,
CHALIL HOUSE, PAYANITHOTTAMKAA, THEKKEKARA VILLAGE
MEENACHIL TALUK.

2. PRINCE (MINOR), S/O.AGED 3 YEARS,
RINCY @ THRESIA, CHALIL HOUSE, PAYANITHOTTAMKAA,
THEKKEKARA VILLAGE, MEENACHIL TALUK.
REPRESENTED BY 1ST PETITIONER, MOTHER.

3. STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR
SRI.P.C.HARIDAS

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION ON 05/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

R.P.(F.C.) No. 355 OF 2007

Dated this the 5th day of September, 2007

O R D E R

The revision petitioner, who is the husband of the 1st respondent and the father of the 2nd respondent, challenges the final order dated 9.10.2006 in M.C.No.104/05 on the file of the Family Court, Kottayam at Ettumanoor, awarding a sum of Rs.400/- (Rupees four hundred only) and Rs.350/- (Rupees three hundred and fifty only) per month to his wife and child respectively from the date of order namely, 9.10.06. Eventhough the revision petitioner contended that his wife is having 5 acres of property and, therefore, able to maintain herself, he was not able to substantiate the said contention. In the face of oath against oath by the disputing parties, the Family Court was inclined to believe the testimony of the wife examined as PW1. The trial court, who had the unique advantage of seeing the witnesses and assessing their credibility, has chosen to believe PW1 in preference to CPW1.

This court, sitting in the rarefied revisional jurisdiction, will be loathe to re-appreciate the evidence and come to a different conclusion. Apart from the fact that the maintenance awarded is only a pittance, it has been awarded only from the date of order and not from the date of petition. I do not see any good ground to interfere with the impugned order.

Resultantly, this revision is dismissed.

(V. RAMKUMAR, JUDGE)

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